

JUDGE SEIBEL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEIRDRE RYAN

10 CIV 6248

COMPLAINT

Plaintiff,

-against-

NORTHSTAR LOCATION SERVICES, LLC

Defendant.

**COMPLAINT FOR VIOLATIONS
OF THE FAIR DEBT COLLECTION PRACTICES ACT**

Plaintiff Deirdre Ryan by and through her attorney, Kleinman LLC, files this complaint against defendant Northstar Location Services LLC for its violations of the Fair Debt Collection Practices Act.

FILED
U.S. DISTRICT COURT
2010 AUG 19 PM 3:30
S.D. OF N.Y.

Introduction

1. This action seeks redress for the illegal practices of Defendant, Northstar Location Services, LLC concerning the collection of debt, in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA").

Jurisdiction and Venue

2. This Court has Federal question jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

3. Venue is proper in this District because the acts and transactions that give rise to this occurred, in substantial part, in this District. Additionally, Defendant transacts business here.

4. Deirdre Ryan is a citizen of the State of New York who resides in this District.

5. Deirdre Ryan is a “Consumer” as that term is defined by § 1692(a)(3) of the FDCPA in that the alleged debt that the Defendant, Northstar Location Services, LLC sought to collect from her is a consumer debt, purportedly owed to Discover Card.
6. Upon information and belief, Defendant Northstar Location Services, LLC is a Domestic Limited Liability Company.
7. Defendant, Northstar Location Services, LLC is regularly engaged in the collection of debts allegedly owed by consumers.
8. Defendant, Northstar Location Services, LLC is a “Debt Collector” as that term is defined by § 1692(a)(6) of the FDCPA.
9. On or about July 21, 2010, Plaintiff received an initial debt collection letter from Northstar Location Services LLC. **Exhibit A**.
10. On July 27, 2010, counsel transmitted a letter pursuant to 15 U.S.C. section 1692c(a)(2) advising the debt collector that Abraham Kleinman represents Deirdre Ryan and provided Abraham Kleinman’s name, firm name and address. **Exhibit B**.
11. Northstar Location Services LLC indicated that it could not accept such letter of representation absent a Power of Attorney signed by Deirdre Ryan.
12. On or about July 29, 2010, Plaintiff received the letter attached as **Exhibit C** which acknowledged Ms. Ryan’s dispute, and required Ms. Ryan to provide her Driver License and detail of her dispute. **Exhibit C**.
13. **Exhibit C** stated “This is an attempt to collect a debt and any information

obtained may be used for that purpose.”

14. Defendant violated 15 U.S.C. sections 1692b(6) and 1692c(a)(2) by failing to accept representation of a consumer by an attorney, as required, with regard to the subject debt after the attorney has provided the attorney name and address.

15. Defendant’s violated 15 U.S.C. sections 1692e(10) and 1692g, by failing to verify a timely disputed debt and by requiring disputes to be accomplished in a manner not contemplated by the Fair Debt Collection Practices Act.

AS AND FOR A FIRST CAUSE OF ACTION

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

16. Ryan realleges and incorporates herein by reference, all the foregoing paragraphs as if set forth fully herein.

17. Upon information and belief, Northstar Location Services, LLC maintains a policy not to accept letters of representation from counsel in violation of 15 U.S.C. 1692b(6) and 1692c(a)(2).

18. Collection campaigns, such as those of Defendant, Northstar Location Services, LLC are to be evaluated by the objective standard of the hypothetical “least sophisticated consumer.”

19. Section 1692e(10) prohibits the use of false representations during attempts to collect debt.

20. Section 1692g(b) requires the debt collector to cease further communication with

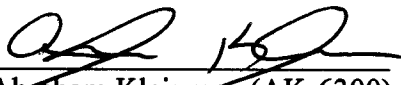
the consumer upon the debt collector's receipt of the consumer's letter of dispute until it verifies the disputed debt.

21. Defendant violated §§ 1692b(6), 1692c(a)(2), 1692e(10) and 1692g of the FDCPA by failing to acknowledge attorney representation, by failing to provide verification of the disputed debt and by causing a represented consumer to receive further communication regarding a disputed debt despite timely dispute by an attorney of her choosing.

WHEREFORE, the plaintiff requests that this Court grant the following relief in their favor, against Northstar Location Services, LLC as follows:

- a) The maximum statutory damages provided by section 1692k of the FDCPA against each defendant;
- b) Attorney's fees, litigation expenses and costs;
- c) Any other relief that this Court deems just and proper.

Dated: Uniondale, New York
August 17, 2010


Abraham Kleinman (AK-6300)
Attorney at Law
KLEINMAN LLC
626 RXR Plaza
Uniondale, New York 11556-0626
Telephone (516) 522-2621
Facsimile (888) 522-1692

Plaintiff requests trial by jury on all issues so triable.

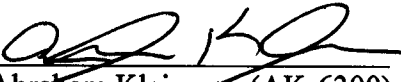

Abraham Kleinman (AK-6300)

EXHIBIT A

Exhibit B

LAW OFFICE
KLEINMAN LLC
626 REXCORP PLAZA
UNIONDALE, NEW YORK 11556-0626

ABRAHAM KLEINMAN
ATTORNEY AT LAW

TELEPHONE
(516) 522-2621
FACSIMILE
(888) 522-1692

July 27, 2010

VIA FACSIMILE ONLY TO

(716) 565-6928

Northstar Location Services, LLC

PO Box 49

Bowmansville, New York 14026-0049

Re: Deirdre Ryan
Creditor: Discover Card
Account Number: 9944
Disputed Balance Due: \$2,890.45
201000000649938-LT1

Dear Sir or Madam:

Please be advised that I represent Deirdre Ryan.

Please be advised that Ms. Ryan disputes the validity of all portions of the above referenced Discover card debt claimed in the enclosed July 20, 2010 collection letter.

Please send Abraham Kleinman verification of this Disputed debt.

Sincerely,


Abraham Kleinman

Exhibit C

July 29, 2010

LDWORA01 0012043

Deirdre Ryan

5031 Vine Cliff Way W

Palm Bch Gdns FL 33418-5101



Discover Card Account Ending In: 9944

Dear Deirdre Ryan:

We have been made aware of your dispute. In order to assist us with our investigation, we are requesting the following information:

- * A copy of your driver's license or an official document containing your signature
- * A detailed letter including any documentation to substantiate your dispute

Thank you in advance for your assistance in timely resolution of your dispute.

Sincerely,

Charles Jones
DFS Services LLC

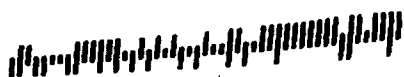
This is an attempt to collect a debt and any information obtained may be used for that purpose.

LDWORA01 0012043

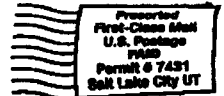


P.O. Box 3025
New Albany, OH 43054-3025

LDWORA01 0012043
Deirdre Ryan
5031 Vine Cliff Way W
Palm Bch Gdns FL 33418-5101



FAZESP1 33
105664903



NOTIFY SENDER OF NEW ADDRESS
RYAN, DEIRDRE M
78 HEMLOCK CIR
PEEKSKILL NY 10566-4903
BC: 10566490376 *2387-02429-06-42

